



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land – Helping to build great communities

December 7, 2015

Rob Rossi
Black Lake Golf Resort LLC
750 Pismo Street
San Luis Obispo, CA 93401

Subject: Request for Director's Interpretation of the Specific Plan Amendment Process for
Black Lake Black Lake Golf Resort LLC

Dear Mr. Rossi,

This letter is in response to your correspondence dated November 24, 2015 requesting interpretation of the specific plan amendment process and the directors' ability to authorize such amendments.

The Black Lake Specific Plan is incorporated by reference into Title 22, therefore, any specific plan amendment requires amending Title 22. There is specific language in Title 22 regarding Board of Supervisors authority to authorize general plan and specific plan amendments as follows:

22.70.040 - Amendments

This Title may be amended as provided by this Section whenever the Board determines that public necessity, convenience, or welfare would be served.

A. Initiation of amendment. The Board may initiate the processing of an amendment upon its own motion; may accept a request for amendment from any interested party, including the Director and/or Commission; and may deny the processing of any requested amendment. Amendment requests from the public shall be filed using the forms provided by the Department and shall include the filing fee set by the county fee ordinance. The Board may refer a proposed amendment to the Director and/or Commission for response before deciding whether to process the amendment.

This section gives the Board the authority to authorize amendments to Title 22, not the Planning Director. While Title 22 allows the Planning Director some authority regarding implementation of the General Plan and, by reference, any adopted specific plans, this authority does not extend to making a determination on whether or not to process a proposed specific plan or general plan amendment.

Further, Table 6-1 of Title 22 (below) provides the role of the review authority for land use projects. It shows that the Director's role in either General Plan or Ordinance amendments is to make a recommendation to the hearing body, not provide authorization or a decision.

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**TABLE 6-1
REVIEW AUTHORITY**

Type of Decision	Role of Review Authority (1)		
	Director	Commission	Board

Administrative and Amendments

Appeals	Recommend	Appeal	Appeal
Interpretations	Decision (2)	Appeal	Appeal
General Plan Amendment	Recommend	Recommend	Decision
Land Use Ordinance Amendment	Recommend	Recommend	Decision

Land Use Permits and Development Approvals

Zoning Clearance	Decision (2)	Appeal	Appeal
Site Plan Review	Decision (2)	Appeal	Appeal
Minor Use Permit	Decision (2)		Appeal
Conditional Use Permit	Recommend	Decision	Appeal
Specific Plan	Recommend	Recommend	Decision
Variance	Recommend	Decision	Appeal

Notes:

- (1) "Recommend" means that the Review Authority makes a recommendation to a higher decision-making body; "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Section 22.70.050 (Appeals).
- (2) The Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision.

Article 7 of Title 22 (below) also spells out the responsibilities of the Planning Director and does not include authorization of General Plan or ordinance amendments.

22.70.020 - Administrative Responsibility

The responsibility for the administration of this Title is delegated to the Director of Planning and Building, who will advise the public about its requirements. The Director of Planning and Building is referred to in this Title as the "Director." The responsibilities of the Director under this Title include the following functions, which may be carried out by Department employees under the supervision of the Director:

A. Application processing. *Receive and review all applications for projects; certify that applications submitted have been properly completed; establish permanent files; conduct site and project analyses; post public notices; meet with applicants; collect fees; prepare reports; process appeals; present staff reports to the Zoning Administrator, Subdivision Review Board, Commission, or Board (as applicable); and*

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B. Zoning administration. Function as Zoning Administrator in compliance with the authority established by Government Code Sections 65900 et seq. in the conduct of hearings and the issuance of discretionary entitlements, where provided by this Title; and

C. Permit issuance. Issue permits under this Title and certify that all issued permits are in full conformance with its requirements; and

D. Coordination. Refer and coordinate matters related to the administration of this Title with other agencies and County departments; and

E. Amendment. In compliance with Section 22.70.040 (Amendment), petition the Board to initiate amendment of this Title when the amendment would better implement the General Plan and increase its effectiveness and/or improve or clarify the procedures or content of this Title; and

F. Enforcement. Enforce and secure compliance with the provisions of this Title in compliance with Chapter 22.74 (Enforcement).

Based on the foregoing, the Department will continue to follow the Land Use Ordinance's procedure for the authorization of all General Plan and Specific Plan amendments. This process is best served in a public forum where the decision makers have the opportunity to provide direction and parameters to staff.

Should you have any further questions or comments regarding this matter, feel free to contact me.

Sincerely,

Bill Robeson - Deputy Director
Planning and Building - Permitting Division
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